

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Shola Gbemi	Team: Squad #5	CCRB Case #: 201809544	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 11/15/2018 11:17 AM	Location of Incident: 61st Precinct stationhouse	Precinct: 61	18 Mo. SOL 5/15/2020	EO SOL 12/30/2020	
Date/Time CV Reported Thu, 11/15/2018 11:46 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 11/15/2018 11:46 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Dane Miller	15832	942209	061 PCT
2. LT Jason Zeikel	00000	945129	C E D

Officer(s)	Allegation	Investigator Recommendation
A.POM Dane Miller	Discourtesy: Police Officer Dane Miller spoke discourteously to § 87(2)(b)	
B.LT Jason Zeikel	Abuse: Lieutenant Jason Zeikel did not process § 87(2)(b)'s complaint regarding an officer.	

### Summary of Complaint

On November 15, 2018, § 87(2)(b) filed the following complaint by phone with the CCRB.

On November 15, 2018, at approximately 11:17 a.m., § 87(2)(b) visited the 61st Precinct stationhouse to obtain a stolen vehicle report. She spoke to Police Officer Dane Miller at the front desk. After § 87(2)(b) asked PO Miller if she could speak with a supervisor, PO Miller allegedly repeatedly used the word “fuck” in a verbal response to her (**Allegation A: Discourtesy**, § 87(2)(g)).

§ 87(2)(b) later spoke to Lieutenant Jason Zeikel at the front desk. She complained to Lt. Zeikel that PO Miller cursed at her. In response, Lt. Zeikel pointed at a poster on the wall bearing the CCRB’s phone number and explained that § 87(2)(b) should call that number if PO Miller said something to her that she did not like. Lt. Zeikel did not offer § 87(2)(b) a civilian complaint form or otherwise process her complaint (**Allegation B: Abuse of Authority**, § 87(2)(g)).

The investigation obtained stationhouse video footage of the incident (BR04).

### Findings and Recommendations

#### **Allegation (A) Discourtesy: Police Officer Dane Miller spoke discourteously towards § 87(2)(b)**

§ 87(2)(b) visited the 61st Precinct stationhouse on the incident date to obtain a stolen vehicle report, and she met PO Miller who was standing behind the front desk (BR01). § 87(2)(b) read PO Miller’s name on his nameplate. PO Miller repeatedly told § 87(2)(b) that he could not give her the report and told her to write a letter to 1 Police Plaza. When § 87(2)(b) asked to speak with a supervisor, PO Miller verbally responded to her with the word “fuck” three to four times. § 87(2)(b) could not recall the specific phrases in which PO Miller used the word “fuck.”

PO Miller confirmed that he was working as the T/S operator at the stationhouse front desk at the time of the incident (BR02). PO Miller generally recalled interacting with many civilians during his tour, but he had no specific recollection of speaking to § 87(2)(b). PO Miller denied that he said “fuck,” “fucking,” or any other profanities to any civilians at the stationhouse on the incident date.

Lt. Zeikel had no specific recollection of § 87(2)(b) being at the stationhouse on the incident date (BR03). Lt. Zeikel denied hearing PO Miller use the words “fuck” or “fucking” with § 87(2)(b) or any other civilian at the stationhouse.

The stationhouse video shows that § 87(2)(b) spoke with someone at the front desk for approximately five minutes (BR06). However, the camera angle does not show the area behind the desk and therefore does not show the officer to whom she is speaking. PO Miller is not visible in the footage. The footage does not have audio.

§ 87(2)(g)

**Allegation (B) Abuse of Authority: Lieutenant Jason Zeikel did not process § 87(2)(b)'s complaint regarding an officer.**

After finishing her conversation with PO Miller, § 87(2)(b) later met and spoke to Lt. Zeikel near the front desk. § 87(2)(b) told Lt. Zeikel that PO Miller cursed at her. Lt. Zeikel told § 87(2)(b) that PO Miller was the best officer at the 61st Precinct. Lt. Zeikel then pointed at a poster on the wall with the CCRB's phone number and explained that she should call that number if PO Miller said something to her that she did not like. § 87(2)(b) called the CCRB to make a complaint and left the stationhouse.

Lt. Zeikel did not have any specific recollection of the incident, and had no recollection of his conversation with § 87(2)(b). He therefore could not recall if she complained to him about PO Miller or how he responded to such a complaint. He identified himself while watching the stationhouse footage, but the footage did not refresh his recollection of the incident.

Lt. Zeikel explained generally that when a civilian approaches him at the stationhouse and asks to file a complaint, he usually points out the sign in the stationhouse which has the CCRB's phone number and gives the civilian the option of calling the CCRB while he or she is at the stationhouse. He also noted that he has given such civilians CCRB complaint forms to complete and submit to him in some instances. While watching the stationhouse footage, Lt. Zeikel confirmed that it shows him pointing in the direction of the stationhouse wall which bears the sign containing the CCRB's phone number.

As previously noted, PO Miller had no recollection of the incident. He could not recall if Lt. Zeikel was working on the incident date, and he had no specific recollection of Lt. Zeikel having any interactions with any civilians on the incident date.

The stationhouse footage shows that Lt. Zeikel spoke to § 87(2)(b) for approximately 90 seconds, during which time he pointed and directed her attention toward something out of view of the camera. § 87(2)(b) and Lt. Zeikel walked together in the direction which he pointed, and shortly thereafter § 87(2)(b) left the stationhouse.

§ 87(2)(g)

NYPD Patrol Guide Procedure 207-31 states that upon receipt of a complaint from a civilian alleging misconduct by a uniformed member of service, an officer is required to interview the complainant, allow the complainant to complete a complaint report in their own handwriting, and to have the complainant sign the form (BR05).

§ 87(2)(g)

### Civilian and Officer CCRB Histories

- § 87(2)(b)
- Police Officer Dane Miller has been an MOS for 12 years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)
- Lieutenant Jason Zeikel has been an MOS for 11 years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)

### Mediation, Civil & Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (BR07).
- As of February 27, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (BR08).

Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date